

From: Rob Hutton
To: Microsoft ATR
Date: 1/24/02 2:47pm
Subject: Microsoft Settlement

Is there any question that Microsoft has violated anti-trust laws? When you look at the market, the answer is clearly no. When the only viable alternative to a product is something that the manufacturer cannot buy or control, then there are obvious anticompetitive practices taking place. Our free market system encourages competition, and when there is none, then something is preventing it.

Let's take for instance, the constitution. While it is the basis for our system of government and law such as, it would be impossible to successfully argue a court case based solely on it without referencing case precedent, other laws, or previous findings of the court.

Microsoft has done just that. They have built a foundation, written the laws, and decided the cases, yet all that they have provided is the constitution. And when someone else does write a successful brief, they buy it, steal it, or offer their law services at such a reduced rate that that no one buys the other guy's services. They have said, sure, you can offer legal advice, but we're going to do it cheaper until we run you out of business, and if you are still around, once we have devalued your services, then we will buy you out.

Now, I certainly do not think that the consumer market is not stupid. Eventually there will be a backlash and all of the foolishness will end, but in an economy that is so dependent on technology, not acting on something that stifles innovation, and prevents competition at the earliest possible point is irresponsible. The government should not be the watchdog policing every action, but should insure that there are not practices preventing innovation, competition, and free trade, and in this case, there have clearly been all three.

Now, what to do. There are clearly two parts of Microsoft's offerings. There is the operating system, and the apps that run on it. There are the underlying programs and the things that present them to you, and then the things that use those to provide services.

I could care less if the operating system is presented through a web browser or a custom application, but there is clearly a difference between allowing access to files and application installed on a computer, and providing the files and applications. There is a clear difference between the graphical interface and a database engine or web server that runs on top of the OS.

So, I would break Microsoft into an applications company and an OS company. The rules governing transfer of information between the two would specify that the info would be available to any company under similar terms and conditions and reviewable at any time by an outside body. No financial penalties, just let the market do what it was assigned to do. Level the playing field, and let fair competition decide who the winner is.

Thanks for your time,

Rob Hutton

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